

PECFA UPDATE #20

IMPORTANT INFORMATION REGARDING Comm 5 and 47 Code Changes in the Environmental and Regulatory Services Division

A thorough update is currently underway in the ERS Division for the Wisconsin Administrative Code chapters that address the Petroleum Environmental Cleanup Fund Award (PECFA) program.

This code update is expected to affect site investigation and cleanup activities at about 4500 remaining sites where petroleum-product discharges have occurred. Currently PECFA issues \$3 million to \$4 million each month in reimbursements to site owners and operators for investigation and cleanup activities.

The major elements of the Comm 47 update consist of (1) codifying the Department's competitive public bidding process, and applying it to both existing and newly reported sites, in a prioritized manner that addresses the highest and most costly threats to human health and the environment first; and (2) establishing a usual and customary (U&C) cost schedule, which will control costs for most of the work not covered by the public bidding process, such as for low-cost sites. Use of the public bidding process and the U&C cost schedule are each required by the Wisconsin Statutes. The Comm 5 update consists of clarifying the credential requirements relating to the PECFA program.

The results of a meeting on July 20th with our Comm 47 Code Advisory Committee resulted in the Committee's acceptance of numerous changes that we made to the proposed update in response to the extensive testimony which we received during a public Hearing last year, and the Committee suggested several additional improvements as well.

We have now completed revising the proposed update to address the Committee's suggestions, and we have transmitted the rule package to legislative review. We anticipate that this update will be adopted later this year, and that it will have a three-month delayed effective date of April 1, 2006. This delay will allow small businesses and others to adjust to the new rules. We are also planning to conduct a series of training sessions at strategic locations throughout the State, during those three months, to help with the adjustments.

This proposed code update is available through the following Web sites: at the PECFA home page, which is at <http://commerce.wi.gov/ER/ER-PECFA-Home.html>, select the link to "[Comm 47 Rules in Final Draft Form](#)."

As this code update progresses further through the rule promulgation process, these Web sites will be updated accordingly, such as to include the rules in final form, after they are adopted.